IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2521 of 2005

Between:

The A.G's Office Cooperative Credit Society Limited, Saifabad, Hyderabad, Rep. by its Chairman Sri K.G. Satyanarayana.

..... PETITIONER

AND

1 A.P. Cooperative Tribunal, 7th Floor, Chandravihar,Nampally, Hyderabad, Rep. by its Chairman.
2 R.V.K. Sai Gandhi, S/o R. Suryanarayana,
O/o A.G. Office, R/o H.No. 6-3-340, New Bhoiguda, Secunderabad.
3 CH.V. Sai Prasad, s/o Late CH. Krishna Murthy,
O/o A.G. Office, R/o H.No. 2-2-185/39, R.K. Nagar, Bagh Amberpet, Hyderabad.
4 M.S. Narayanan, s/o late M.S. Sundar Rajan,
O/o A.G. Office, R/o 5-1-234/18, Sunder Bhavan, Jambagh, Hyderabad.
5 P. Rama Mohan Rao, S/o P. Venkateswara Rao,
A..G. Office,R/o F-310, Plot No.2, Surya Saroj Apartments, HUDA Complex, Saroornagar, Hyderabad.
6 Smt. B. Indira, W/o B.Murali Krishna,
A.G. Office, R/o H.No. 8-3-318/11/S/1, Jayaprakash Nagar, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring orders passed by the A.P. Cooperative Tribunal in CTA.No. 200/2002 dt. 24-1-2005 as highly illegal, arbitrary and violative of principles of natural justice and set aside the same and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.M.KRISHNAIAH

Counsel for the Respondent 1: GP FOR COOPERATION

The Court at the admission stage made the following :

ORDER:

The petitioner challenges the order, dated 24.01.2005 passed by the A.P.Cooperative Tribunal, Hyderabad in C.T.A.No.200 of 2002.

The Divisional Cooperative Officer, Secunderabad Division, passed an order, dated 07.11.2002 superseding the Managing Committee of the petitioner-Society. Respondents 2 to 6 were office bearers at the relevant point of time. They filed the C.T.A. under Section 76(1) of the Cooperative Societies Act (for short 'the Act'). The Tribunal allowed the appeal, on the ground that the procedure prescribed under Section 34(1) of the Act was not followed and that there were no circumstances warranting invocation of powers under that provision.

Learned counsel for the petitioner submits that notices were issued by the Divisional Cooperative Officer to the individual members viz., respondents 2 to 6, and on account of misplacement or taking away the acknowledgments from the file, an inference has been drawn to the effect that notices were not served upon the individual members. He also contends that respondents 2 to 6 were in office since the year 1997 and the finding of the Tribunal that the allegations related to the period anterior to the date of election i.e. 25.01.2002 cannot be sustained.

Heard the learned Government pleader for Cooperation.

Basically, the deponent of the affidavit cannot be said to have suffered any detriment, on account of the orders of the Tribunal. He is appointed as person-in-charge, in view of the supersession of the elected Managing Committee. Once the elected Managing Committee is restored, the person-in-charge has to give way. He does not have any independent right to continue as person-in-charge.

The Tribunal recorded a finding of fact, to the effect that the functional Registrar did

not serve notice on the individual members of the managing committee, before ordering supersession. The same cannot be disturbed in a writ petition filed under Article 226 of the Constitution of India.

The Tribunal has also recorded a finding that the allegations contained in the show cause notice relate to period anterior to the date of election i.e.25.01.2002. The fact that respondents 2 to 6 or some of them were in the Managing Committee in the earlier term, makes little difference. Therefore, no exception can be taken to the order passed by the Tribunal and the writ petition is accordingly dismissed.

Learned counsel for the petitioner submits that several members have submitted representations to the Divisional Cooperative Officer, Secunderabad, narrating the various acts and omissions, on the part of respondents 2 to 6 on 17.02.2005. If that be so, the authority to whom such representation was made, shall examine the same and take appropriate action, in accordance with law. There shall be no order as to costs.

23.02.2005

Jsu
To

1 The Chairman, A.P. Cooperative Tribunal, 7th Floor, Chandravihar,Nampally, Hyderabad.
2 2 CCs to the G.P. for Cooperation, High Court of A.P., Hyderabad.

4 2 CD copies.